

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSE ISMAEL VENTURA,

Petitioner,

18-cv-9179 (JGK)

- against -

UNITED STATES OF AMERICA,

Respondent.

KEVIN VENTURA,

Petitioner,

20-cv-8064 (JGK)

- against -

ORDER

UNITED STATES OF AMERICA,

Respondent.

JOHN G. KOELTL, District Judge:

The petitioners have raised factual issues in connection with their Section 2255 petitions based on the statements attributed to Teresa Cruz in two affidavits submitted to the Court. See 18-cv-9179, ECF No. 17; 09-cr-1015, ECF No. 431; 20-cv-8064, ECF No. 11. Therefore, the Court will hold an evidentiary hearing to determine the accuracy of the statements made in the affidavits, the circumstances under which the affidavits were obtained, as well as whether the substance of the statements was previously provided to the Government in interviews in October 2013. See 09-cr-1015, ECF No. 440. At the hearing, the Court expects that any Government lawyer present for one or both of the October 2013 interviews will testify, as well as any other Government agent needed to explain

whether the matters covered in the Cruz affidavits were discussed at the interviews.

The Court will appoint counsel to represent Teresa Cruz at the hearing. The Court will also appoint counsel to represent Jose Ventura and Kevin Ventura solely in connection with the evidentiary hearing. The Government is responsible for assuring that Jose Ventura and Kevin Ventura are produced for the hearing. No party should attempt to contact Teresa Cruz except through Teresa Cruz's attorney. A date for the hearing will be set after Jose Ventura and Kevin Ventura have been produced in New York.

SO ORDERED.

Dated: New York, New York
October 19, 2022

A handwritten signature in black ink, appearing to read "John G. Koeltl", is written over a horizontal line.

John G. Koeltl
United States District Judge